



DEI: Equality and Equity
February 2025

Definitions

Equality

The fact of being equal especially in status, rights, or opportunities. The principle of equality before law being to treat everyone the same.

Equity

The quality of being fair and impartial.

Duty

A moral or legal obligation: a responsibility.

Introduction

Equality. Sounds simple? On the surface, yes.

However, very little concerning human interaction, when combined with culture and ethics, is ever that straightforward.

We each face this “duty” throughout our lives on a daily, if not hourly, basis. As a result, it can become disregarded, dropping into the unconscious mindset, where cultural bias may inadvertently lead to damaging, erroneous actions, or omissions.

A Duty

This may seem an unnecessary term of phrase but consider.

In the UK, equality was (and to a certain extent still is) an afterthought, to such a critical point that successive governments felt the need to intervene with the creation of the Equality and Human Rights Commission (2006) as well as a raft of legislation that accumulated over the previous 40 years with the culmination in the Equality Act 2010, which could be argued, is in need of an overhaul in light of recent years’ activities.

It should also be noted that the current laws apply to:

- Employees
- Job applicants
- Self-employed and contractors (where contracted on an individual basis)
- Former employees

The short notes below mention “employees” but should be read as covering all four groups.



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Practicalities

Employers' attention will be given to ensuring that, as an absolute minimum, the organization complies with the prevalent legislation.

The key measurements of Equality require that businesses:

1. Stop unlawful discrimination, harassment, and victimisation.
2. Promote equality of opportunities between those who share a Protected Characteristic and those who do not.
3. Foster good relationships between those who share a Protected Characteristic and those who do not.

It should be noted that this may, by its very nature, lead to an element of positive discrimination.

Protected Characteristics

These break down into 9 components:

1. Age
2. Disability
3. Gender Reassignment
4. Marriage and Civil Partnerships
5. Pregnancy and Maternity
6. Race
7. Religion and Beliefs
8. Sex
9. Sexual Orientation

and apply across the full employee lifecycle.

From the employer's perspective, it is essential to consider each stage of that lifecycle and whether the business is applying appropriate processes to ensure that the Duty is being fulfilled.



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Best practices

Balanced and compliant written policies, Effective training, Wording for job vacancies, Interviewing processes, Shortlisting processes, Unconscious bias

When it Goes Wrong

In addition to the cultural, team, and personal impact upon the business when equality is not applied, consider the impact arising from the failure to apply that Duty of care.

Such actions or omissions give rise to a wide range of forms of discrimination, a few of which are shown below, with examples:

- Direct
 - o Discrimination against those with a Protected Characteristic
 - o e.g. age: stating that a particular vacancy is not suitable for anyone over the age of 35.
- Indirect
 - o When placing a disadvantage against those with a Protected Characteristic
 - o e.g. stating that a particular vacancy requires the candidate to be able to drive, thereby potentially excluding disabled candidates who may be able to travel in other ways and fulfil the job specification.
 - o NB. This aspect places the onus on the prospective employer to show that the need to drive is objectively justified.



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- Association
 - o e.g. excluding a candidate from the interview process because their partner has Protected Characteristics.
- Perception
 - o e.g. blocking an employee's promotion because the employer believes that said employee is pregnant (Protected Characteristic).
- Victimisation
 - o e.g. excluding an existing employee from promotion due to sexual orientation (Protected Characteristic).
- Harassment
 - o Unacceptable levels of behaviour towards someone with a Protected Characteristic.

Conclusion

This is merely a bite-sized glimpse of the impact upon a UK business of failure to apply equality when managing its greatest asset: its employees (be they salaried or self-employed).

The tangible, negative, impact upon the corporate brand, culture and sustainability can, in most cases, be avoided by proactive attention to an equitable environment for all stakeholders.

Useful Links

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-guidance>

<https://www.gov.uk/guidance/equality-act-2010-guidance>

<https://www.acas.org.uk/discrimination-and-the-law>